

GOVERNMENT OF TELANGANA

ABSTRACT

Tribal Welfare Department – Karimnagar District – Appeal Petition filed by Sri Perumandla Sampath S/o. Mallaiah R/o.Kondapalkala village of Manakondur Mandal, Karimnagar District, under Section 7(2) of the Act 16 of 1993, against the orders of the District Collector, Karimnagar issued in Proceedings No.C4/6225/2004, dated 07.05.2019 – Appeal Dismissed - Orders – Issued.

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TRIBAL WELFARE (LTR) DEPARTMENT

G.O.Ms.No.11

Dated: 02.06.2023.

Read the following:-

1. Proceedings.No.C4/6225/2004, dated 07.05.2019 of the Collector & District Magistrate, Karimnagar District.
2. Appeal Petition filed by Sri Perumandla Sampath S/o. Mallaiah R/o.Kondapalkala village of Manakondur Mandal, Karimnagar District, dated 31.05.2019 & 07.06.2019.
3. Govt. Memo.No.745/TW.LTR/2019, dated 07.06.2019.
4. From the Collector, Hyderabad District, letter No.C4/6225/2004, dated 27.08.2019.
5. Govt. Notice No.745/TW.LTR/2019, dated 21.09.2020 & 25.11.2019.

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ORDER:-

1. In the reference 1<sup>st</sup> read above, the Collector & District Magistrate, Karimnagar District in his Procgs.No.C4/6225/2004, dated 07.05.2019 had cancelled the Lambada ST Caste Certificate of the Appellant Sri Perumandla Sampath S/o. Mallaiah R/o.Kondapalkala village of Manakondur Mandal, Karimnagar District, obtained fraudulently from the Mandal Revenue Officer, Manakondur bearing No.C/485/1992, dated 27.05.1992. The gist of the cancellation orders is as follows:

- Sri Kemasaram Thirupathi, District Convenor, Yerukala Vidyarthi Samakhya, Karimnagar District & (3) others represented on 6.10.2014 that in Manakondur (M) only one tribe was there which is Yerukala, but one Sri P.Sampath has taken bogus caste certificate as belongs to ST (Lambada) and working in the O/o Mandal Revenue Officer, Kamalapoor though he belongs to BC (Goud) caste and requested to take action against him for taking false certificates in Kondapalkala (v), Manakondur (M).
- Revenue Divisional Officer, Karimnagar in his Lr.No.C/1377/2007, dated 05.07.2012 submitted enquiry report duly recording statements of some of the villagers.
- As per depositions of villagers, Sri Perumandla Sampath is being called as Lambadi-Goud in the village. There are (35) families relating to this caste in the village. Some years back, few Lambadi families stayed in the village for some time and left the village leaving a boy. The said boy was brought up under the care of Goud caste people and called as Lambadi-goud. Their legal heirs also called as Lambadi Goud caste people as they are eking out their livelihood doing toddy tapping.
- According to Transfer Certificate No.12457 (with admission No.3212) issued by the HM-ZPPSS Kondapalkala, the caste of Perumandla Sampath S/o Mallaiah is recorded as Lambadi (ST).
- According to Transfer Certificate for Intermediate Course (bearing No.004700) with admission No.1525, the caste of P.Sampath is recorded as ST Lambadi.
- He was issued caste certificate bearing No.C/485/1992, dated 27.05.1992 from Mandal Revenue Officer's office, Manakondur as if he belongs to ST Lambadi caste.

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- One Smt.Perumandla Laxmi W/o Kanakaiah R/o Kondapalkala village (who is having similar surname Perumandla) was also given ST Lambadi caste certificate by Mandal Revenue Officer Manakondur vide ref.No.C/3520/1995, dated 04.09.1995.
- As per Sethwar issued by Deputy Tahsildar, Manakondur, for the Sy.No.591, name of forefather of Sri Perumandla Sampath i.e. "Lambadi Sakrugadu Vagaira Kalalu" is recorded as Pattedar.
- As per Khasra Pahani for the year 1954-55 for the Sy.No.591, Lambadi Sayanna is recorded as Pattedar (who is forefather of Sri P.Sampath).
- Revenue Divisional Officer Karimnagar has further reported that on verification of available records and enquiry conducted, Sri Perumandla Sampath S/o Mallaiah R/o Kondapalkala (V) and his relatives or family members are being recognized as Lambadi/Lambadi Goud caste people in the village but their profession is agriculture and toddy tapping. In view of their profession of toddy tapping, they are being known as Lambadi-goud in the village, but they got no relations with goud caste people. They do not know Lambadi language and their mother tongue is Telugu. They follow/perform customs, festivals and functions like Hindu caste people (other than Lambadi customs).
- Dist. Collector has referred the case to DLSC on 27.8.2012.
- On 20.9.2012, Sri P.Sampath has submitted following explanation before the DLSC:
- His forefathers hailed from Lambada community came to Kondapalkala village of Manakondur Mandal from thanda for selling forestry produces i.e. red-soil, oma etc for livelihood and lived some period in the village 4 to 5 generations back.
- While leaving the village, due to poverty and as not in a position to feed their children, they left (3) children in the village who were aged 4 to 5 years then. They were grown up in the village culture by following Hindu culture/customs/traditions and developed their families in the village.
- They are called with names as 1) Lambadi Rajaram 2) Lambadi Sayanna and 3) Lambadi Sakru.
- The 2<sup>nd</sup> ancestor Lambadi Sayanna had three sons namely 1) Lambadi Veeranna 2) Lambadi Lachulu 3) Lambadi Rajanna.
- The second son Lambadi Lachulu had four sons namely 1) Lambadi Rayamallu 2) Lambadi Ramaswamy 3) Lambadi Chandraiah and 4) Lambadi Mallaiah @ Perumandla Mallaiah who is his father.
- His grandfather Lambadi Lachulu married to Ramakka and his name was recorded as Lambadi Sakru in Revenue Records i.e. Asal Sethwar for the period of 1940 and Nakahal Sethwar for the period of 1950 of Kondapalkala village in respect of patta land in Sy.No.591.
- His father's cousin namely Lambadi Mallaiah (son of Lambadi Rajanna who is son of Lambadi Sayanna) having patta land in Sy.No.1022 of Kondapalkala village.
- His sister Mallamma married Lambadi Kanukaiah @ Bollam Kanukaiah who is the grandson of Lambadi Sakru (3<sup>rd</sup> ancestor). Now, there are about (36) families residing in Kondapalkala village with different surnames such as perumandla, Bollam, Koppula etc. and all these families are being called as LAMBADA and by profession LAMBADI-GOUNDLOLLU by the villagers of Kondapalkala.

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- Tahsildar, Manakondur who conducted detailed enquiry in the village about his social status has submitted enquiry report vide Ref.No.C/1081/2007, dated 05.01.2012 to the Revenue Divisional Officer, Karimnagar confirming the above facts.
- Consequent to the report of Tahsildar, Manakondur, the Revenue Divisional Officer, Karimnagar has conducted personal enquiry again in the matter on 9.6.2012 and submitted report vide No.C/1377/2007, dated 05.07.2012 to the Dist. Collector, Karimnagar which also confirms the above facts and his social status as "Lambada".
- After conducting enquiry, the Mandal Revenue Officer, Manakondur has issued caste certificate to him on 27.5.1992 bearing Certificate No.C/485/1992 as "LAMBADI".
- He studied 4<sup>th</sup> and 5<sup>th</sup> classes in the Primary School, Kondapalkala (v) from 1985-87 and 6<sup>th</sup> to 10<sup>th</sup> classes in the ZPSS Kondapalkala (v) Manakondur Mandal from 1987-1992. His caste was recorded as LAMBADA in the School Admission Registers and also in the Admission Register of Government Junior College for Arts, Karimnagar for the period of 1992-94. It was also recorded as LAMBADA in the Admission records of Government Degree College, Godavarikhani in 1995-96.
- Government in GO Ms.No.89, SW Dept. dated 03.04.1990 had issued instructions that if any person has been recorded as Harijan/Girijan throughout his/her school career – and the said instructions are applicable in his case also. By following the said GO, the Government have resolved the social status case of Smt.V.Chenchu Laxmi in her favour and issued in orders in GO Ms.No.71, Social Welfare (CV.2) Department, dated 17.12.2011.
- He was selected and appointed as Junior Assistant in SC/ST Backlog vacancies during 1996 treating him as ST-Lambada and got promotion as Senior Assistant, Deputy Tahsildar and Tahsildar treating him as Lambada-ST.
- His ancestors belong to "LAMBADI" caste according to Revenue Records i.e. Asal Sethwar for the period of 1940-Eesvi (1350 Fasli), Nakhal Sethwar for the period of 1950 (Eesvi), Khasra pahani for the year 1954-55 and pahanies from 1955 to 1985 of his village Kondapalkala village of Manakondur Mandal for the lands owned by him in Sy.No.591, 1021 & 1022.
- The social status of his son-in-law Bollam Sampath was also disputed earlier and as per the instructions issued by the then District Collector, a criminal case was launched against him in the Court of Addl.Judicial Magistrate of First Class, Karimnagar U/sec.420 of IPC. After detailed inquiry, the Court delivered Judgement on 19.11.2009 in CC No.537 of 2007 holding that *"absolutely there is no evidence before me to believe that the accused has cheated the Government by obtaining the false caste certificate stating that he belongs to Lambada community though belongs to Gouda community. In the result, accused is found not guilty of the offence under section 420 of IOPC and accordingly he is acquitted..."* The verdict delivered by the Hon'ble Court in his son-in-law's case ruled out any further allegations with regard to social status in their families.
- The general objections raised that the surname Perumandla not exist in Lambada families, Lambadi language is not known by their families, women are not wearing Lambadi dresses, profession is toddy tapping are irrelevant. It is settled principle in already decided cases that tribal families lived outside the tribal area for many years, may adopt some

Hindu customs instead Tribal customs and it can't be a ground for rejecting the Tribal status. The social status case of Smt.Tellam Suneetha was decided on the said principle and passed orders in her favour by the Government in G.O.Ms.No.32-SW (CV.2) Dept. dated 11.05.2011.

- Due to illiteracy and ignorance, Lambadi Surnames are not in usage among their ancestors initially, but they were called with community/caste name followed by their actual name like "Lambadi Sakru, Lambadi Mukunda, Lambadi Komurayya, Lambadi Mallaiah, Lambadi Vodiga" as was recorded in the official Revenue land records. When generation passes and culture developed, surnames like Perumandla, Bollam, Koppula etc. were prefixed before the names in their families and now surnames are in usage. It settled principle in already decided case that confirming the social status based on the 'surname' is not correct. It can't be a ground for rejecting the Tribal Status based on surname. The social status case of Sri Bathula Ratna Sekhar Rao (3) others was decided on the said principle and passed orders in their favour by the Government in G.O.Ms.No.24, SW (CV.2) Department, dated 28.06.2012.
- Taken into account, in the case of scheduled tribes, their anthropological and ethnological traits, deity, rituals, customs, mode of marriages, death ceremonies/method of burial of dead bodies etc., to confirm the tribal status is not correct. It is settled principle in already decided cases that tribal families lived outside the tribal area for many years may adopt some Hindu customs and it can't be a ground for rejecting the tribal status. The social status case of Sri Sanakkayala Devendra Pavan Kumar was decided on the said principle and passed orders in his favour by the Government in G.O.Ms.No.23-SW (CV.2) Dept. dated 21.06.2012.
- Members of their families are doing agriculture, working as labour, toddy tapping etc. for livelihood. The profession elected by the family will not change the social status/tribal status and requested the Hon'ble authority to kindly pass orders upholding his social status as LAMBADI (ST) and save him from torture, mental agony being created by the persons who bore grudge on him out of vengeance.
- The District Educational Officer, Karimnagar has submitted report vide Lr.No.691/B4/2012, dated 04.01.2013 stating that Sri Perumandla Sampath S/o Mallaiah was admitted in 6<sup>th</sup> class during 1987 and as per Admission Register record his caste was recorded as ST (Lambadi) and submitted admission register extract and Xerox copy of TC issued by the Headmaster, ZPHS Kondapalkala which was issued after appearing the SSC Examination in March, 1992 in which the caste particulars have been recorded as ST (Lambadi).
- Revenue Divisional Officer, Karimnagar in his Lr.No.C/1377/2007, dated 12.4.2013 has submitted report as follows:

Sl. No.	Report called for by the Collector	Report submitted
1.	Whether any families belonging to Lambadi tribes other than these (36) families have settled in Kondapalkala village.	No families belonging to Lambada Tribe (ST) other than those (36) families had settled or living in Kondapalkala (V) Manakondur (M).
2.	Marriage particulars of the family of Sri P.Sampath and his blood relatives (caste particulars of the spouse & family).	1. Smt.Erukonda Srivani W/o Perumandla Sampath, Govt. Teacher, native of Parkal (V) Warangal District belong to Goud caste.

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		<p>2. Sri Sampath's brother Sri Perumandla Rajaiah married Errolla Rajeshwari native of Parlapalli village of Mogullapalli mandal of Warangal District.</p> <p>3. Sri Sampath's sister Smt Perumandla Mallamma married Bollam Kankaiah R/o Kondapalkala village of Manakondur mandal and as per local enquiry these people are being called as Lambada goud in the village.</p>
3.	As claimed by Sri P.Sampath their forefathers belong to ST by birth and grown up with Goud family but what warranted them to carry the surname of Goud caste.	<p>Sri P.Mallaiah i.e. father of P.Sampath is the last one four brothers namely:</p> <ol style="list-style-type: none"> <li>1. Late Perumandla Rayamallu.</li> <li>2. Late Perumandla Rama Swamy.</li> <li>3. Late Perumandla Chandraiah and it is learnt that their family members are not residing in Kondapalkala village. As stated by the family members of the so called Lambadi Goud community people, "it was warranted to carry the surname of Goud caste because –</li> </ol> <p>a) their forefathers might have not known the surname of their natural father; and</p> <p>b) they were brought up Goud community people.</p>

- Revenue Divisional Officer, Karimnagar submitted that in view of the report of the Tahsildar, Manakondur and on verification of records, it was revealed that Perumandla Sampath S/o Mallaiah R/o Kondapalkala village married Smt.Erukonda Srivani who belongs to Goud BC community, but his mother and his sister-in-law belongs to Warangal district. His sister married with Sri Bollam Kanakaiah within the (36) families of Lambadi Goud caste and his other relatives and family members are being recognized as Lambadi Goud caste people in the village and the profession of these families is agriculture and toddy tapping, due to which they are being called as Lambadi Goud in the village.
- A decision was taken on 13.12.2003 by the DLSC and a letter was addressed on 16.12.2003 to the Director, TCR&TI, Hyderabad requesting to clarify on the following points for which the Addl.Director/Director (FAC), TCR&TI Hyderabad vide Rc.No.2427/2013/TRI/TSV dated 06.01.2014 has furnished point-wise clarification as shown against each:

When the School/College certificates are showing his caste as Lambada caste, can the committee go into the merits of the case?	Though the school/college certificates show his caste as Lambadi caste, the District Level Scrutiny Committee shall go into the merits of the social status claim of the individual.
Can a person claim ST status if he himself admits that he is brought up by Goud (BC) community from his birth?	If parents of the individual are belonging to Scheduled Tribes and brought up by Goud (BC) community, the social status of the individual will not change.

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- When the school/college certificates are showing his caste as Lambada caste, can the committee go into the merits of the case.
- Can a person claim ST status if he himself admits that he is brought up by Goud (BC) community from his birth.
- The Tahsildar, Mogullapally, Warangal District reported in his Lr.Rc.No.A/54/2015, dated 11.03.2015 that Sri Aerra Ailaiah native of Parlapally village of Mogullapally Mandal of Warangal District who is father of Smt.Lachamma W/o Mallaiah, 10-families of Lambada community are residing in Parlapally village of Mogullapally mandal with the surnames, Aerra, Bollam and Nune and their occupation is Toddy Tapping and they got no marital relations between Goud caste people and out of which one Sri Aerra Ellaiah S/o late Ailaiah is brother of Smt.Lachamma, that late Aerra Ailaiah had three children; Sri Aerra Ellaiah is presently residing in Parlapally village, Sri Aerra Mallaiah was expired long back without marriage and Smt.Lachamma was married with one Sri Perumandla Mallaiah R/o Kondapalkala village of Karimnagar district who is mother of Sri P.Sampath. That these above 10-families are having marital relations with the families residing at Pragathi Singaram, Neredupally villages of Shayampet mandal, Mahabubabad town of Warangal district and Kondapalkala village of Karimnagar District, further the surnames of Smt.Bhukya Anusha W/o Aerra Thirupathi (S/o Aerra Ellaiah) and Smt.Bugula Prameela (D/o Aerra Ailaiah) W/o Bugula Ravi are similar to Lambada community. On verification of Revenue Records, the forefathers of the above (10) families are mentioned as 'Lambadi Odelu', 'Lambadi Veeraiah' and 'Lambadi Kanakaiah' etc. in respect of Sy.No.19 of Parlapally village of Mogullapally Mandal. Accordingly, he concluded that Sri Aera Ailaiah, native of Parlapally village of Mogullapally mandal who is the father of Smt. Lachamma W/o Perumandla Mallaiah belongs to "Lambada" community.
- The District Tribal Welfare Officer, Karimnagar reported in letter No.T1/479/2012, dated 10.4.2015 that he enquired the matter at Kondapalkala village on 13.3.2015. Presently, the Tahsildar is issuing caste certificate who are having surname as Perumandla as BC-B goud caste. The Tahsildar, Manakondur has issued Goud BC-B caste certificates to the following persons i.e. 1) Perumandla Raju S/o Bhoomaiah R/o Kondapalkala and 2) Perumandla Ajay S/o.Rajaiah R/o.Kondapalkala. Sri Perumandla Sampath S/o.Mallaiah R/o Kondapalkala village and his relatives are being recognized as Lambadi/Lambadi Goud caste in the village, but the profession of these families is agriculture and Toddy tapping. On verification of school records, his caste was mentioned as ST Lambadi but due to care taken by Goud caste people, their caste is known as Lambadi Goud since long back. They are not having any relation with Goud caste people, they do not know Lambadi language, their mother tongue is Telugu, they don't follow traditions of Lambadi community and perform customs, festivals and functions like Hindu religion people. He further submitted that the Perumandla surname is not mentioned in the Gazette published by the AP Government regarding the Scheduled Caste and Scheduled Tribes Amendment Act, 1976.
- In the report Lr.No.E/1377/2015, dated 3.10.2015, the Revenue Divisional Officer, Karimnagar stated that he enquired with father of Sri P.Sampath i.e. Sri Perumandla Mallaiah on 2.10.2015 and he stated that as far as the members of his grandfather Perumandla Sailu came to this village i.e. Kondapalkala and settled along with Lambadi Rajaram and Lambadi Sakru, they belong to Lambadi caste, but occupation is Toddy tapping. The surnames of Bollam, Koppula who are residing in the

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village also belongs to Lambadi caste. The father of P.Sampath also deposed that his daughter Mallavva was married to Bollam Kanakaiah who are residing in the same village and father of P.Sampath confirming that though by dressing, language and customs do not look like Lambadi, but, they belong to Lambadi (ST) caste. He submitted the pedigree of Sri P.Sampath and deposition of Perumandla Mallaiah S/o Lachaiah.

- In further report in Lr.No.E/1377/2007, dated 23.06.2016, the Revenue Divisional Officer, Karimnagar stated that no one have knowledge about birth place of their forefathers and from which place they are migrated to Kondapalkala (v). As per revenue records i.e. Asal Sethwar, Khasra Pahani etc. their names were recorded by following caste names as "Lambadi Sakru, Lambadi Odelu, Lambadi Sailu" etc. in respect of their patta lands acquired during their life time. In view of the above, the Revenue Divisional Officer, Karimnagar stated that he is of the opinion that Sri P.Sampath S/o Mallaiah belongs to ST (Lambada) community brought up by the people of Gowd caste in the village.
- On 18.7.2016, Sri Perumandla Sampath has submitted further explanation along with documents and caste certificates in support of his caste claim – as under:
  - Details of forefathers and family tree along with all relevant records/documents were filed before the DLSC in the written explanation on 20.9.2012, 01.11.2013 and on 20.2.2015.
  - His father Sri Lambadi Mallaiah @ Perumandla Mallaiah is illiterate and not claimed any caste certificates.
  - His father had two male and one female issue i.e. Perumandla Rajaiah (elder son) 2. Smt.Perumandla Mallamma (daughter) W/o Sri Bollam Kanukaiah and 3. Perumandla Sampath (younger son).
  - His brother Perumandla Rajaiah S/o Mallaiah R/o Kondapalkala (V) is an illiterate. He has claimed the caste certificate Lambadi-ST bearing No.C/3312/1992, dated 24.11.1992 issued by the Mandal Revenue Officer, Manakondur.
  - His brother had two children i.e. Perumandla Ajay (son) and Perumandla Thirumala (daughter). When Perumandla Ajay approached the revenue officials for issue of caste certificate, the officials without conducting proper enquiry and verification of his father's caste and records, issued caste certificate as if Goud by concluding their family profession as toddy tapping instead of ST-Lambadi community.
  - His sister Smt.Perumandla Mallamma is illiterate and not claimed the caste certificate. She got married to Sri Bollam Kanukaiah S/o Komuraiah R/o Kondapalkala (v) and the ST caste certificate was issued to his brother-in-law Bollam Kanukaiah vide No.C/2816/1990, dated 5.7.1990 issued by Mandal Revenue Officer Manakondur.
  - His sister-in-law by name Smt.Perumandla Laxmi W/o late Kanukaiah (who is cousin brother and son of Lambadi Ramaswamy) has claimed caste certificate Lambadi-ST vide No.C/3520/1995, dated 04.09.1995 issued by the Mandal Revenue Officer, Manakondur.
  - His cousin brother by name Sri Perumandla Kanukaiah S/o Ramaswamy, caste Lambadi, was expired on 16.10.2000 due to snake bite and a case was registered under section 174 Cr.P.C. vide Crime No.102/2000 of Police Station, Manakondur and in the FIR No.102/2000 and inquest, the community of his family members was recorded as Lambada-ST. The Sarpanch, GP Kondapalkala Sri Nagishetti Rajaiah has issued certificate on 18.6.2000 certifying that Sri Perumandla Kanukaiah S/o Ramaswamy R/o Kondapalkala, caste: Lambadi expired on 16.10.2000 due to snake bite while tapping toddy.

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- On 20.11.2017, the District Tribal Welfare Officer, Karimnagar has submitted report stating that on enquiry, he came to know that there are about (32 to 35) families belong to Community of Sri P.Sampath who were claiming ST status stating that they belong to Lambada caste and elders of the community of Sri P.Sampath and elders of other castes in the village have stated that some 4 to 5 generations ago some Lambada thanda visited Kondapalkala village as part of their community activity and while going back, three male children were left from the thanda and were supported by one Goud family. They learnt toddy tapping and settled in the village, elders of the community or anybody in the village do not know to whom the (3) persons got married and how this community got hooked to their surname to 1) Bollam 2) Koppula 3) Perumandla. He submitted that the community of Sri Perumandla Sampath does not have any apparent fixing whatsoever the Lambadi Tribes to that effect but paradoxically they claim the Lambada status on the basis of the percentage which might have had its roots 4 to 5 generations back, but the community of Sri Perumandla Sampath is being treated and called as Lambadollu or Lambadi Gowndlollu.
- He also visited the ZPHS Kondapalkala village and verified school records and obtained written statement from the Head Master who stated that as per the Transfer Certificate Register, caste of Sri P.Sampath was recorded as ST Lambada and any alterations are not made in the Transfer Certificate and informed that the Admission Register was destroyed. But, in the Xerox copy of the Admission Register, caste of Sri P.Sampath was recorded as Lambada ST.
- He also verified school records of Government Primary School, Kondapalkala regarding caste of Sri P.Sampath and found on the record sheet his admission number as 521 and caste as Hindu caste Goud belongs to BC community – this was recorded on 19.7.1985 – by which time Sri P.Sampath was studying in 5<sup>th</sup> class in Govt.Primary School at Kondapalkala village. ON perusal of admission register, the caste of Sri P.Sampath was recorded as Goud and afterwards Lambada word in Telugu was added with other pen and writing also differ from original Goud word and hence, the caste recorded as Lambadi Goud is suspicious.

➤ **Findings of DLSC**

- According to the report of District Tribal Welfare Officer, Karimnagar submitted on 21.11.2017, the caste of Perumandla Sampath was initially recorded as "Goud" in the admission register of Government Primary School, Kondapalkala at admission No.521 and subsequently it was tampered by adding "Lambada" with different ink. Generally, while leaving School, the School authorities will enter the caste which was entered in their school records in the Transfer Certificate. But, in the Schools and Colleges where he studied, his caste was recorded as Lambada while deleting the word Goud basing on the tampered entry which establishes that the delinquent managed to record his caste as Lambada in High Schools and Colleges. If the entry in the Primary School Lambada-Goud is correct, his caste would have been mentioned as Lambada-Goud in High Schools and Colleges also.
- The Addl.Director/Director (FAC), Tribal Cultural Research and Training Institute, Hyderabad vide Rc.No.2427/2013/TRI/TSV, dated 06.01.2014 clarified that though the school/college certificates show his caste as Lambadi caste, the DLSC shall go into the merits of the social status claim of the individual. According to the social status, the individual is not being considered as Lambada caste.

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- According to the report submitted by the District Tribal Development Officer, Karimnagar in Lr.No.T1/479/2012, dated 10.4.2015, the Perumandla surname was not mentioned in the Gazette published by the AP Government regarding the Scheduled Caste and Scheduled Tribes Amendment Act, 1976.
- According to Rule 5 (b) of AP (SCs, STs and OBCs) Issue of Community, nativity and Date of Birth Certificates Rules, 1997 –

“If the competent authority feels that further enquiry is necessary, he shall then examine the School Records, birth registration certificate if any and also examine the parent/guardian or applicant in relation to his community. He may examine any other person who has the knowledge of the social status of the applicant/parent/guardian, as the case may be. He shall take into account, in the case of STs their anthropological and ethnological traits, deity, rituals, customs, mode of marriage, death ceremonies/method of burial of dead bodies etc.”
- During the enquiry, it was revealed that family or elders of the individual are not following the customs, anthropological and ethnological traits, deity, rituals, mode of marriage, death ceremonies etc. relating to Lambada caste people.
- Caste certificates in favour of Perumandla Raju S/o Bhoomaiah and Perumandla Ajay S/o Rajaiah who are residents of Kondapalkala village and blood relatives to the delinquent were issued Caste Certificates treating them as “Goud” caste persons by the Tahsildar, Manakondur.
- In the caste enquiry of a similar case of Sri Bollam Sampath (file No.C4/5205/1999) the then Revenue Divisional Officer, Karimnagar has reported that elders of the community or anybody in the village do not know to whom their three persons got married to and how this community got hooked to their surnames 1) Bollam 2) Koppula and 3) Perumandla. Further, the Lambada caste certificate issued to Sri Bollam Sampath was cancelled by the Collector, Karimnagar vide Proc.No.C4/5205/1999, dated 11.11.2004 and the said fact was also confirmed by the Government vide G.O.Ms.No.24, SCD (CV-2) Dept. dated 21.05.2013.
- In the same case, the Additional Director General of Police, CID, AP Hyderabad has reported that **“there are about 25 to 30 Kalal (Goud) families residing in the village on the surname of Bollam, Koppu and Perumandla. Further, he has reported that they are being treated as Goud and their marital relations with Goud community only. In fact these families claiming themselves as Lambadas and Revenue officials are issuing caste certificates as Lambadas basing on previous records. The society wherein they are continuing their life style considering them as Gouds.”**
- The Supreme Court in V.V.Giri Vs D.S.Dora AIR 1959 SC 1318 held **“the caste status of a person in the context would necessarily have to be determined in the light of recognition received by him from the members of the caste into which he seeks an entry.”** It is seen that in the instant case the petitioner claims to be belonging to Lambada tribe, but his community has no contacts or what-so-ever with the Lambada tribe and has no affinity what-so-ever with Lambada tribe. The Lambada tribe has not recognized or accepted the candidate in question as a member of Lambada tribe and the community. Further, the wife of the petitioner ie.. Erukonda Srivani who hails from Parkal village of Warangal district belongs to “GOUD” caste and not belong to LAMBADA caste.

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- In view of the above, the DLSC has submitted its opinion that Sri Perumandla Sampath S/o Mallaiah R/o Kondapalkala (V) not belongs to Lambada caste (ST community).
- A Show Cause Notice was issued vide C4/6225/2004, dated 09.02.2018 to Sri Perumandla Sampath on 22.02.2018 to submit explanation as to why his ST Lambada Caste Certificate obtained by him should not cancelled U/s.5 (1) of the Act 16 of 1993 R/W Rule 9 (7) of the Rules, 1997 communicated in GO Ms.No.58, SW Department. dated 12.05.1997 and adopted in the State of Telangana vide GO Ms.No.5, SCD (POA.A2) Department, dated 8.8.2014, with instructions to submit his written explanation, if any, within (15) days from the date of receipt of the Show Cause Notice.
- In response to Show Cause Notice, Sri Perumandla Sampath submitted an application on 7.3.2018 requesting to grant (3) days time and on 3.4.2018 he submitted another petition to furnish a copy of the DLSC report – accordingly a copy of the DLSC findings was furnished to him vide Memo.No.C4/6225/2004, dated 18.4.2018 intimating him to submit his the explanation within (15) days, which was received by him on 5.5.2018.
- Sri Perumandla Sampath S/o Mallaiah has submitted his written explanation on 1.6.2018 (received on 4.6.2018) stating that it is true that he married Erukonda Sreevani who hails from Parkal (v) of Warangal District belongs to Goud caste and the caste of an individual never changes, even after marital relations with other caste people. Further, he has submitted that he was appointed as Junior Assistant on 22.7.1996, promoted as Senior Assistant on 14.11.2003, as Deputy Tahsildar on 1.1.2008, as Tahsildar on 22.9.2011 and now working as Superintendent, Collector's office, Peddapalli and thus in Government service since (22) years without any complaints whatsoever and merely based on a false complaint by persons with vested interest, as such action against him is unfortunate and caused lot of mental agony and hardship. While submitting, he requested to furnish copies of certain records. Accordingly, the copies of documents as requested by him were furnished to him vide Memo.No.C4/6225/2004, dated 11.07.2018 under acknowledgement on 30.7.2018, but he has not submitted any further written explanation.
- The explanation and copies of documents etc. filed by Sri P.Sampath were examined and found to be not convincing the real facts and not substantiate that he belongs to Lambada Caste (ST).
- In view of the above mentioned facts, records, enquiry reports and findings of the DLSC, it is clearly established that Sri Perumandla Sampath S/o Mallaiah R/o Konkdapalkala (v) of Manakondur (M) does not belong to Lambada Caste (ST) and obtained Lambada Caste Certificate (ST community) fraudulently from the Mandal Revenue Officer, Manakondur vide ref No.C/485/1992, dated 27.05.1992 which deserves for cancellation.
- Accordingly, exercising powers conferred by the Government U/s.5 (1) of the Act 16 of 1993 R/W Rule 9 (7) of AP (SC,ST & BC) Issue of Community, Nativity and Date of Birth Certificate Rules, 1997 communicated in G.O.Ms.No.58, SW Dept. dated 12.05.1997 and adopted by the Government of Telangana vide G.O.Ms.No.5, SCD Department, dated 08.08.2014, the Lambada Caste (Scheduled Tribe Community) Certificate issued to Sri Perumandla Sampath S/o Mallaiah R/o Kondapalkala (v) of Manakondur (M) bearing No.C/485/1992 dated 27.05.1992 by Mandal Revenue Officer, Manakondur was cancelled and declared that the said individual does not belong to Lambada Caste (Scheduled Tribe Community).

2. Aggrieved by the above cancellation orders of the Collector & District Magistrate, Karimnagar in the reference 1<sup>st</sup> read above, the Appellant Sri Perumandla Sampath S/o. Mallaiah R/o.Kondapalkala village of Manakondur Mandal, Karimnagar District, has filed the Appeal petition under the Act 16 of 1993. Gist of the Appeal grounds is as follows:

- Impugned order passed by the respondent herein is illegal and arbitrary apart from being violative of the principles of natural justice and equity.
- Impugned order passed by the respondent herein suffers from total non-application of mind to the five independent reports of 1) the enquiry report of the Tahsildar, Manakondur dated 5.1.2012, 2) the report of the Revenue Divisional Officer, Karimnagar dated 5.7.2012, 3) the report of the District Educational Officer, Karimnagar dated 4-1-2013, 4) the report of the Tahsildar, Mogullapalli, Warangal dated 11-3-2015 and 5) the report of the District Tribal Development Officer, Karimnagar dated 10-4-2015 and therefore is patently illegal.
- The respondent herein failed to see that the District Tribal Development Officer in his enquiry report dated 20-11-2017 had himself stated that in the admission register of the Government Primary School, Kondapalkala village and the ZPHS Kondapalkala village, the caste of Sri P.Sampath was recorded as Lambada ST but later contradicted himself stating that it was recorded as 'Gouda' but the 'Lambadi' word was added above the Gouda word in the admission registers and stated that the caste recorded as 'Lambadi Gouda' is suspicious. The respondent herein failed to see that in the records of the ZPHS Kondapalkala the appellant's caste was recorded as 'Lambadi' only but not 'Lambadi Gouda' and the District Tribal Development Officer has given a wrong/unsubstantiated report in respect of the ZPHS School record without any evidence whatsoever, which clearly goes to show that the District Tribal Development Officer, Karimnagar has not taken any care in submitting factual report, but acted in a prejudicial manner.
- The respondent herein ought to have seen that in the entire school and college record, the appellant's caste was recorded as Lambada and that Government in GO Ms.No.89, Social Welfare Department, dated 3.4.1980 issued instructions that if any person's caste is recorded as Harijan/Girijan throughout his/her school career, he/she could be deemed to be a Harijan/Girijan and no further clarification is necessary. By following the said GO, the Government resolved the social status case of Smt.V.Chenchu Laxmi in her favour and issued orders in GO Ms.No.71, Social Welfare (CV.2) Department, dated 17.12.2011 and the respondent herein failed to appreciate the same in case of the appellant herein.
- The respondent herein failed to see that the complainants have not filed documents in support of their contention that the appellant herein has taken bogus/false caste certificate as belonging to ST (Lambada) community though he belongs to B.C. community (Goud caste).
- The respondent herein ought to have seen that the burden of proving the correctness or otherwise of the caste certificate issued by the competent authority i.e. the Mandal Revenue Officer, Manakondur in this case, is entirely upon the complainants who have to produce all the relevant documents in support of their claim and the District Level Scrutiny Committee merely performs the role of verification of the claim and therefore, it can only scrutinize documents and material produced by the complainants and in case the material produced by the complainants does not prove their claim, the DLSC cannot gather evidence on its own to prove or disprove their claim, as held by the Hon'ble Supreme Court its judgement in Anand Vs Committee for S & V of Tribe in its judgement in Civil Appeal No.6340 of 2004.

(Contd...11)

- The respondent herein failed to see that the DLSC gravely erred in seeking a report from the District Tribal Welfare Officer, Karimnagar who was himself a member of the said DLSC and is a party to the enquiry conducted and therefore, the said report of the Dist. Tribal Welfare Officer, Karimnagar ought to have been rejected.
- The respondent herein failed to see that the finding of the District Level Scrutiny Committee that the family or elders of the individual are not following the customs, anthropological and ethnological traits, deity, rituals, mode of marriage, death ceremonies etc. relating to Lambada caste people, is contrary to the reports of the Revenue Divisional Officer, Karimnagar and the DTWO Karimnagar that the appellant herein and his relatives or family members are being recognized as Lambadi/Lambadi Goud caste people in the village and that in view of their profession of toddy tapping locally they are being known as Lambadi Goud in the village but that they are not having any relation with Goud caste people.
- The respondent herein failed to see that in any case, with migrations, modernization and contact with other communities, the Scheduled Tribe communities tend to develop and adopt new traits which may not essentially match with the traditional characteristics of the tribe and hence, affinity test may not be regarded as a litmus test for establishing the link of the appellant with a Scheduled Tribe and that the claim by the appellant herein that he is a part of the Scheduled Tribe and that he is entitled to the benefit extended to that tribe cannot per se be disregarded on the ground that his present traits do not match with his tribe's peculiar anthropological and ethnological traits, deity, rituals, customs, mode of marriage, death ceremonies, method of burial dead bodies etc. and therefore should not be the sole criteria to reject a claim, as held by the Hon'ble Supreme Court in its judgement in Anand Vs Committee for S & V Tribe in Civil Appeal No.6340 of 2004 dated 8.11.2011.
- The respondent herein gravely erred in holding that the Lambada caste certificate issued to Sri Bollam Sampath was cancelled by the Collector, Karimnagar vide proceedings No.C4/5205/1999 dated 11.11.2004 and that it was confirmed by the Government vide GO Ms.No.24, SCD (CV.2) Department, dated 21.5.2013. He failed to see that as per the instructions issued by his predecessor, prosecution was also launched against the said Bollam Sampath in the Court of Addl. Judicial Magistrate of I Class, Karimnagar U/s.420 IPC and the Hon'ble Court in its judgement in CC No.537 of 2007 dated 19-11-2009 clearly held that absolutely there is no evidence to believe that the accused has cheated the Government by obtaining the false caste certificate stating that he belongs to Lambada community though he belongs to Gouda community and therefore found that the accused is not guilty and accordingly acquitted him.
- The respondent herein failed to see that the proceedings issued by his predecessor in Proc.No.C4/5205/1999, dated 1.11.2004 cancelling the caste certificate and as confirmed by the Government in GO Ms.No.24, SW (CV.2) Dept. dated 21.5.2013 was challenged by the said Bollam Sampath before the Hon'ble High Court of AP by filing WP No.15514 of 2013 and then Hon'ble High Court by its order dated 14.6.2013 was pleased to suspend the order cancelling the caste certificate.
- The respondent herein ought to have seen that the caste status of a person or persons in the context would necessarily have to be determined in the light of the recognition received by him from the members of the caste into which he seeks an entry, as held by the Hon'ble Supreme Court in its judgement in V.V.Giri Vs D.S.Dora (AIR 1959 SC 1318).

(Contd...12)

3. Therefore, the Appellant prayed to set aside the order under appeal passed by the District Collector, Karimnagar in Proc.No.C4/6225/2004, dated 7.5.2019 and consequent notification issued by him in Proc.No.C4/6225/2004, dated 7.5.2019 and also prayed to suspend operation of the said proceedings pending disposal of the appeal.

4. Along with the Appeal, the appellant has submitted the following documents in substantiation of his caste claim.

1. Explanation to the Show Cause Notice dated 1.6.2018.
2. Enquiry report of Tahsildar, Manakondur, dated 5.1.2012.
3. Enquiry report of Revenue Divisional Officer Karimnagar dated 5.7.2012.
4. Report of Revenue Divisional Officer Karimnagar dated 12.4.2013.
5. Report of District Educational Officer, Karimnagar dated 4.1.2013.
6. Clarification of Director, TCR&TI, Hyderabad dated 6.1.2014.
7. Report of Tahsildar, Mogullapally dated 11.3.2015.
8. Report of DTWO Karimnagar, dated 10.4.2015.
9. Report of Revenue Divisional Officer Karimnagar dated 23.6.2016.
10. Report of DTDO Karimnagar dated 20.11.2017.
11. Report of DLSC Karimnagar dated 18.4.2018.
12. Copy of GO Ms.No.89, SW Department dated 3.4.1980.
13. Copy of GO Ms.No.71, SW (CV.2) Dept. dated 17.12.2011.
14. Copy of Supreme Court's judgement in Anand Vs Committee for S&V of Tribe in Civil Appeal No.6340 of 2004 dated 8.11.2011.
15. Copy of Judgement of Addl.Judicial Magistrate of First Class, Karimnagar in Bollam Sampath in C.C.No.537 of 2007, dated 19.11.2009.
16. Copy of order of the Hon'ble High Court of AP in Bollam Sampath V/s Govt. of AP in WP No.15514 of 2013, dated 14.6.2013.

5. In continuation, the Appellant Sri Perumandla Sampath has submitted representation dated 7.6.2019 to the Government praying for grant of stay of operation of orders of the District Collector, Karimnagar in Proceedings No.C4/6225/2004, dated 7.05.2019 and also enclosing the following documents:

- i. Caste Certificate of Perumandla Rajaiah issued by Mandal Revenue Officer, Manakondur bearing No.C/3312/92, dated 29.11.1992.
- ii. Caste Certificate of Perumandla Laxmi issued by Mandal Revenue Officer, Manakondur bearing No.C/3525/95, dated 4.9.1995.
- iii. Pahani extract 1954-55 – Sy.No.1022 in the name of Lambadi Mallaiah.

6. In the reference 3<sup>rd</sup> read above, Government have admitted the appeal petition, granted stay on the operation of the orders of District Collector, Karimnagar in Proceedings C4/6225/2004, dated 7.5.2019 pending disposal of the appeal and requested the District Collector, Karimnagar to furnish the original case records along with para-wise remarks to Government.

7. In the reference 4<sup>th</sup> read above, the Collector & District Magistrate, Karimnagar has furnished the record bearing file No.C4/6225/2004 along with para-wise remarks.

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8. In the reference 5<sup>th</sup> read above, notices were issued to the appellant and all other concerned to attend for the first hearing on 07.12.2019 at 4.00 PM, Appellant present, the Tahsildar, Manakondur present and adjourned for next hearing. In the second hearing on 29.09.2020 at 3.00 PM. Appellant present and submitted oral arguments corroborating the grounds made in his appeal.

9. The Government have examined the evidences available on record and found the appeal filed by the Appellant Sri Perumandla Sampath S/o.Mallaiah R/o.Kondapalkala village, is devoid of merits.

10. Therefore, the appeal filed by Sri Perumandla Sampath S/o. Mallaiah R/o.Kondapalkala village of Manakondur Mandal, Karimnagar District is hereby DISMISSED upholding orders of the Collector & District Magistrate, Karimnagar in Proceedings No.C4/6225/2004, dated 07.05.2019.

11. The Collector and District Magistrate, Karimnagar District shall take necessary action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

Dr. CHRISTINA Z.CHONGTHU,  
SECRETARY TO GOVERNMENT.

To

The Collector and District Magistrate, Karimnagar District (By RPAD)

Sri Perumandla Sampath S/o.Mallaiah R/o.Kondapalkala village of Manakondur Mandal, Karimnagar District

Address for Communication:

H.No. 10-2-713/3/1/A, Sree Vani Residency,

Vidyanagar, Karimnagar – 505 001. (By RPAD)

Copy to:-

The Revenue Divisional Officer, Karimnagar.

The Tehsildar, Manakondur Mandal, Karimnagar District.

The Director, TCR&TI, TS, Hyderabad (for information)

The P.S. to Minister for ST Welfare (for information)

The PS to Secretary to Govt. (TW)

The PA to Special Secretary to Govt.(TW)

SF/SC.

//FORWARDED::BY ORDER//

SECTION OFFICER.